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**Federal Communications Commission
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Hope M. Babcock
Angela J. Campbell
David C. Vladeck
Directors
James A. Bachtell+*
Michael D. Beach
Sheila A. Bedi
Lisa Goldman+**
Amy R. Wolverton
Staff Attorneys

600 New Jersey Avenue, NW, Suite 312
Washington, D.C. 20001-2075
Telephone: 202-662-9535
TDD: 202-662-9538
Fax: 202-662-9634

October 30, 2002

Chairman Michael K. Powell
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: **In the Matter of Review of the Commission's Broadcast Ownership Rules
and Other Rules Adopted Pursuant to Section 202 of the
Telecommunications Act of 1996, Notice of Proposed Rulemaking, MM
Docket No. 02-277, Sept. 23, 2002**

Dear Chairman Powell:

We are writing on behalf of the National Organization for Women (NOW) to request that the Commission compile, analyze, and publicly report on data currently collected on FCC Form 323 Ownership Reports ("Form 323") to provide accurate information about the extent of minority and female ownership of broadcast stations. Commission analysis of Form 323 data is necessary not only for the Commission to achieve its stated objectives, but also to enable the public to meaningfully comment on the above-referenced NPRM.

The Commission first sought comment on collecting data on the race and gender of station owners in 1995 in a rulemaking to ascertain whether minorities and women were underrepresented as owners of mass media facilities and whether new incentives would serve to increase their ownership opportunities.¹ Subsequently, in 1998, the Commission amended Form 323 to include race and gender data. The Commission determined that collecting this information would allow it to: (1) assess the continued effectiveness of its minority and female ownership initiatives; (2) accurately determine the current state of minority and female ownership of broadcast facilities; (3) determine the need for measures designed to promote ownership by minorities and women; and, (4) fulfill its statutory mandate under Section 257 of the 1996 Telecommunications Act and Section 309(j) of the

¹ *Policies and Rule Regarding Minority and Female Ownership of Mass Media Facilities*, 10 FCC Rcd 2788, 2788 (1995)

+Practice Supervised by Members of the O.C. Bar

*Application to the D.C. Bar pending **Admitted to the California Bar only

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Communications Act of 1934 “to promote opportunities for small businesses and businesses owned by women and minorities in the broadcasting industry.”

Without compiling and analyzing the data as a whole, the Commission cannot achieve its stated objectives and statutory mandates. Although the Mass Media Bureau’s Consolidated Database System (CDBS) electronic filing system allows the public to search individual station Form 323 Ownership Reports by entering certain limited station criteria,³ the system does not provide any source of compiled or synthesized ownership data. Analysis of the collected data is a necessary starting point for the Commission to achieve its objectives.

Moreover, Commission analysis and synthesis of Form 323 data is also necessary for the public to meaningfully comment on the diversity issues the Commission raises in the above-referenced NPRM. Paragraph 50 of the NPRM invites comment on whether the Commission should adopt measures that foster ownership by diverse groups such as minorities, women and small businesses, whether it has the authority to do so, and if it decides to, how it should go about fostering diversity in ownership.⁴ Without access to analysis and statistics on the race and gender of station owners as well information on trends that have emerged throughout this ongoing period of consolidation, NOW and others cannot effectively comment on these important issues. To our knowledge, there are no other sources available that provide this type of data and analysis to the extent required for meaningful evaluation, comparison, and comment.

We look forward to hearing from you as soon as possible so we may meaningfully participate in the 2000 Biennial Review rulemaking. Please feel free to contact us directly. You can reach Angela Campbell at (202) 662-9541, Amy Wolverton at (202) 662-9545, and Connie Milonakis at (202) 662-9535.

Sincerely,

Amy R. Wolverton

cc: Commissioner Kathleen Q. Abernathy (FCC)
Commissioner Michael J. Copps (FCC)
Commissioner Kevin J. Martin (FCC)
Secretary Marlene Dortch (FCC)
Terry O’Neill (Vice President, NOW)
Linda Berg (Political Director, NOW)
Angela Campbell (IPR)
Connie Milonakis (IPR)

² 1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes: Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities, MM Dkt. No. 98-43, 13 FCC Rcd 23056,23095 (1998) (“1998 Biennial Review”); see also 47 U.S.C. § 257 (2002); 47 U.S.C. § 309(j) (2002).

³ Users are limited to searching by the following criteria: (1) Call Sign; (2) Facility ID Number; (3) Service; (4) File Number; (5) Main File Number; (6) Application Types; (7) Channel; (8) Frequency; (9) Community of License City; (10) State; (11) Name of Licensee/Permittee; (12) Name of Entity. Federal Communications Commission Ownership Report Search available at http://svartifoss2.fcc.gov/prod/cdbb/pubacc/prod/own_search.htm.

⁴ 2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Notice of Proposed Rulemaking, MM Dkt. No. 02-277 ¶ 50 (Sept. 23, 2002).